

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	Criminal No. 7:19-cr-00522
	§	
DANIEL GARCIA	§	

DEFENDANT'S MOTION FOR PRODUCTION OF *JENCKS* MATERIAL
And
ACCOMPANYING MEMORANDUM OF LAW

DANIEL GARCIA, Defendant, moves this Court for an Order requiring production of *Jencks* material.

I.

The Defendant moves for production of all statements and reports made by government witnesses or prospective government witnesses which relate to the subject matter which those witnesses may testify about, as per 18 U.S.C. secs 3500 et seq., and Fed.R.Crim.Pro. 26.2.

II.

The term "Statements" shall include:

1. Any written statement made by a government witness or prospective government witness and signed or otherwise adopted or approved by him;
2. Any stenographic, mechanical, magnetic, electronic, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the witness and recorded contemporaneously with the making of such oral statement; and
3. A statement, however taken or recorded, or a transcription thereof, if any, made by the witness to a grand jury.

III.

It is believed that certain radio, telephonic and other communications by or between law enforcement agents are routinely recorded when made. It is also believed that such recordings are routinely recorded over so as to destroy the original recordings. The requested order to produce such recorded statements necessarily includes a request that the government be ordered to preserve any recorded statements that are either in their possession or available to them upon request.

Respectfully submitted,

/s/ Clay S. Conrad

Clay S. Conrad

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion, has been electronically delivered to the United States Attorneys responsible for litigation in this matter on March 17, 2020.

/s/ Clay S. Conrad
Clay S. Conrad

CERTIFICATE OF CONFERENCE

This is to certify that on March 17, 2020 I conferred with Roberto Lopez, the Assistant United States Attorney in charge of the above-styled and numbered cause, and that he will take a position on this Motion as will be shown in his response.

/s/ Clay S. Conrad
Clay S. Conrad

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

V.

DANIEL GARCIA

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§

Cause No. 7:19-cr-00522

ORDER

On _____, 202__, came on to be heard the *Defendant's Motion for Production of Jencks Material*. Upon consideration of the Defendant's motion, it is GRANTED. The Government is ordered to provide the Defendant with all Jencks Act material at least twenty (20) days prior to trial. The Government is further ordered to perform an adequate investigation to discover what Jencks Act material may be available in the hands of whatever law enforcement agencies participated in the investigation leading to this prosecution, and to instruct such agencies to preserve and deliver any recordings that may be responsive to this order.

JUDGE PRESIDING